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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,877	05/31/2001	Alejandro A. Elizondo Alvarez	32944-00044USPT	3173
27045	7590	02/03/2004	EXAMINER	
			NGUYEN, JOSEPH D	
		ART UNIT		PAPER NUMBER
		2683		4
DATE MAILED: 02/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/872,877	Applicant(s) ELIZONDO ALVAREZ, ALEJANDRO A.
	Examiner Joseph D Nguyen	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 May 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 May 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
4) Interview Summary (PTO-413) Paper No(s) ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by McCann et al. (6,662,017).

Regarding claim 1, McCann et al. discloses a method for Short Message Services (SMS) provisioning in a system (abstract, fig. 12-14, col. 7 lines 22-40) including a Home Location Register (HLR) (#114 fig. 8), a Message Center (MC) (Short Message System Center (SMSC)) (col. 5 lines 49-58), and a Mobile Switching Center (MSC) (#110 fig. 8) including a Mobile Switching Center point code scheme (col. 17 lines 31-67), comprising the steps of:

a) storing location data for said MSC in said HLR (col. 10 lines 41-67, col. 18 lines 33-60, and col. 20 line 44 thru col. 22 line 12);

b) receiving a request from said MC (SMSC) to deliver a SMS message to said MSC (fig. 1, 12-14, col. 3 lines 10-50, and col. 17 line 31 thru col. 19 line 22);

- c) determining a MC point code scheme for said MC (fig. 6, col. 14 line 40 thru col. 15 line 3, col. 17 lines 31-67, and col. 21 line 42 thru col. 22 line 11);
- d) comparing (determine for matching, which means comparing) the MC point code scheme with the MSC point code scheme (ST14 fig. 7b, col. 14 line 40 thru col. 15 line 3, col. 17 lines 31-67, and col. 21 line 42 thru col. 22 line 11);
- e) populating (generate) said SMS message with the MSC point code scheme if the MSC and MC point code schemes are the same (fig. 1, 5, col. 3 line 61 thru col. 4 line 21, col. 21 line 42 thru col. 22 line 12); and
- f) delivering said SMS message from said MC to said MSC (col. 19 line 62 thru col. 20 line 27).

Regarding claim 2, McCann et al. discloses a method for Short Message Services (SMS) provisioning in a system (abstract, fig. 12-14, col. 7 lines 22-40) including a Home Location Register (HLR) (#114 fig. 8), a Message Center (MC) (short message service center (SMSC)) (col. 5 lines 49-58), a Mobile Switching Center (MSC) (#110 fig. 8), including a Mobile Switching Center point code scheme (col. 17 lines 31-67), comprising the steps of:

- a) storing location data for said MSC in said HLR (col. 10 lines 41-67, col. 18 lines 33-60, and col. 20 line 44 thru col. 22 line 12), wherein said location data includes at least one Mobile Switching Center Identification Number (MSCIN) parameter (col. 10 lines 41-67, col. 18 lines 33-60, and col. 20 line 44 thru col. 22 line 12);

- b) receiving a request from said MC to deliver a SMS message to said MSC (fig. 1, 12-14, col. 3 lines 10-50, and col. 17 line 31 thru col. 19 line 22);
- c) determining a MC point code scheme for said MC (fig. 6, col. 14 line 40 thru col. 15 line 3, col. 17 lines 31-67, and col. 21 line 42 thru col. 22 line 11);
- d) comparing (determine for matching) the MC point code scheme with the MSC point code scheme (fig. 5-8, col. 14 line 40 thru col. 15 line 3, col. 17 lines 31-67, and col. 21 line 42 thru col. 22 line 11);
- e) populating (generate) said SMS message with the MSC point code scheme if the MSC and MC point code schemes are the same (fig. 1, 5, col. 3 line 61 thru col. 4 line 21, col. 17 line 7 thru col. 20 line 27); otherwise, populating said SMS message with the MSCIN parameter (fig. 5, col. 17 line 7 thru col. 20 line 27); and
- f) delivering said SMS message from said MC to said MSC (col. 19 line 62 thru col. 20 line 27).

Regarding claim 3, McCann et al. discloses a method for Short Message Services (SMS) provisioning in a system (abstract, fig. 12-14, col. 7 lines 22-40) including a Home Location Register (HLR) (#114 fig. 8), a Message Center (MC) (Short Message System Center (SMSC)) (col. 5 lines 49-58), a Mobile Switching Center (MSC) (#110 fig. 8), including a Mobile Switching Center point code scheme (col. 17 lines 31-67), comprising the steps of:

- a) storing location data for said MSC (col. 10 lines 41-67, col. 18 lines 33-60, and col. 20 line 44 thru col. 22 line 12), wherein said location data includes a SMS address in said HLR (original SMS message M2 is simply modified to include the routing number (RN) associated with the MSC that is currently serving as the called party mobile subscriber's home MSC) (fig. 12, col. 20 line 44 thru col. 22 line 12) and wherein said location data does not contain a MSCIN parameter (col. 10 lines 41-67, col. 18 lines 33-60, and col. 20 line 44 thru col. 22 line 12);
- b) receiving a request from said MC to deliver a SMS message to said MSC (fig. 1, 12-14, col. 3 lines 10-50, and col. 17 line 31 thru col. 19 line 22);
- c) determining a MC point code scheme for said MC (fig. 6, col. 14 line 40 thru col. 15 line 3, col. 17 lines 31-67, and col. 21 line 42 thru col. 22 line 11);
- d) comparing (determine for matching) the MC point code scheme with the MSC point code scheme (fig. 5-8, col. 14 line 40 thru col. 15 line 3, col. 17 lines 31-67, and col. 21 line 42 thru col. 22 line 11);
- e) populating (generate) said SMS message with the MSC point code scheme if the MSC and MC point code schemes are the same (fig. 1, 5, col. 3 line 61 thru col. 4 line 21, and col. 17 line 7 thru col. 20 line 27); and
- f) delivering said SMS message from said MC to said MSC (col. 19 line 62 thru col. 20 line 27).

Regarding claim 4, McCann et al. further disclose the method of claim 2, wherein the MSCIN parameter is in Global Title Address (GTA) format (Global Title type) (col. 15 lines 17-49, and col. 18 lines 33-60).

Regarding claim 5. McCann et al. further discloses the method of claim 4, wherein said GTA format uses an E.212 identifier (col. 15 line 50 thru col. 16 line 3).

Regarding claim 6, McCann et al. further discloses the method of claim 4, wherein said GTA format uses an E.164 identifier (col. 18 lines 1-25).

7. The method of claim 4, McCann et al. further discloses wherein said GTA format uses a combination of said E.212 and E.164 identifiers (col. 15 line 50 thru col. 16 line 3, and col. 18 lines 1-25).

Regarding claim 8, McCann et al. further discloses the method of claim 1, wherein said HLR has a database including at least one country code (IMSI) (col. 3 line 61 thru col. 4 line 56) and at least one corresponding point code scheme (#114 fig. 8, col. 17 lines 31-67).

Regarding claim 9, McCann et al. further discloses the method of claim 8, wherein said point code scheme is specified according to American National Standards Institute (ANSI) standard-41 (col. 2 lines 16-36).

Regarding claim 11, McCann et al. further discloses the method of claim 8, wherein the step of comparing the MC point code scheme with the MSC point code

scheme occurs in said database in said HLR (col. 17 lines 31-67, and col. 21 line 42 thru col. 22 line 11).

Regarding claim 12, McCann et al. further discloses the method of claim 1, wherein the step of determining the MC point code scheme further includes the step of determining a nationality of the MC (by using an ITU, or an ANSI to determine the national and international of the origin user, which means the nationality also known) (col. 13 lines 23-47, and col. 18 lines 1-25).

Regarding claim 13, McCann et al. discloses a node for determining whether a Message Center (MC) and a Mobile Switching Center (MSC) share a common point code (fig. 1, col. 1 lines 38-60, col. 17 lines 31-67, and col. 19 lines 23-61), comprising: a memory including a database having a plurality of point code schemes (fig. 5a-b, 10-15, col. 3 line 61 thru col. 4 line 56, col. 12 lines 15-30, and col. 21 line 42 thru col. 22 line 12) and a corresponding plurality of country codes (by using an ITU, or an ANSI to determine the national and international of the origin user, which means the database contain point code for the national and international country codes) (col. 13 lines 23-47, and col. 18 lines 1-25).

Regarding claim 14, McCann et al. further discloses the node of claim 13 wherein the node is a Home Location Register (HLR) (#114 fig. 2 and 8).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCann et al. (6,662,017) in view of Shmulevich et al. (6,515,985).

Regarding claim 10, McCann et al. further discloses the method of claim 8, wherein said point code scheme is specified according to International Telecommunication Union (ITU) format (col. 13 lines 21-47). However, McCann et al. does not specifically disclose ITU standard Q.700.

Shmulevich et al. teaches point code scheme is specified according to International Telecommunication Union (ITU) standard Q.700 (fig. 1, col. 1 lines 31-49, and col. 9 line 66 thru col. 10 line 49). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify McCann et al. system with the teaching of Shmulevich et al. system of point code scheme according to International Telecommunication Union standard Q.700 in order to set up the call, and maintain this signaling link during the call for purposes of subscriber roaming, *inter alia*.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label
"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. Sixth floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



Jan. 7, 2004



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600